REMARKS

Claims 1-12 are pending in this application. Claims 1-12 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 4 and 6-12 under 35 U.S.C. § 102(b) over U.S. Patent No. 5,554,980 to Hashimoto et al. (Hashimoto); and rejected claims 2, 3 and 5 under 35 U.S.C. § 103(a) over Hashimoto in view of U.S. Patent No. 5,530,455 to Gillick et al. (Gillick). Applicants respectfully traverses these rejections.

Examiner Interview

Applicants wish to thank the Examiner for the Interview conducted on November 6, 2008. During the Interview, the parties discussed the claimed invention, including "determining a menu item to which the selection marker should be moved in accordance with the number of cycles of sampling the angular velocity," as recited in claim 1. The parties additionally discussed performing a function in accordance with, or based on, the number of cycles of sampling, as recited in the independent claims. The comments set forth herein are made further to the discussion during the Interview.

Claim Rejections – 35 U.S.C. §102

In support of the Examiner's rejection of claim 1, the Examiner asserts that Hashimoto discloses all of the claim elements, including means for determining a menu item to which the selection marker should be moved in accordance with the number of cycles of sampling the angular velocities, citing to col. 15, lines 51-56. Specifically, the Examiner asserts in the Official Action on page 3, second paragraph as follows:

The display apparatus (21) for presentation characterized by provision of means (9) for determining a menu item (when the switch 9 on the pointing device is pressed) to which the selection marker should be moved (when the curser has moved into a desired icon), (col. 15, lines 51-56) in accordance with the duration of sampling the angular

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velocities (the angular speed detectors detect the speed of angular motion in the horizontal and vertical directions), (col. 14, lines 5-14) during which the move distance of the pointing device (e.g. move to Y1, Fig. 45B) obtained for every sampling cycle (from time zero to t1, from t1 to (t1+t2), and from (t1+t2) to t) from said angular velocity information exceeds a predetermined value continuously (the cursor moves up to U1 from the start to time t1 but when it exceeds t1 it does not move from t1 to t2, then the cursor moves once again when the angular velocity exceeds t1+t2).

Applicants respectfully disagree that these teachings are sufficient to anticipate claim 1.

The disclosure of Hashimoto is directed to a remote control system. The remote control system includes a remote control unit and a controlled unit. The remote control unit is moved in space, and includes a movement detector, selection switch and transmitter. The movement detector detects movement of the remote control unit. The transmitter transmits output of the movement detector and the selection switch. The controlled unit includes a display device, receiver, and controller. The display device includes a display screen, and displays a cursor and icons on the display screen. The receiver receives the output of the movement detector and the selection switch transmitted by the transmitter. The controller moves the cursor across the display screen in accordance with the output of the movement detector and the selection switch. (Abstract)

At col. 15, lines 51-56, Hashimoto merely discloses a selection switch to select an icon.

In contrast, claim 1 clearly requires means for determining a menu item to which the selection marker should be moved **in accordance with the number of cycles of sampling** the angular velocities. As can be seen from claim 1, a menu item is determined in accordance with the number of cycles of sampling. Hashimoto clearly discloses detecting an amount of movement and moves the cursor in accordance with the output of the movement detector and the selection switch, not based on the number of cycles of sampling, as required by the claim.

Further, in Fig. 45B discloses movement of a cursor **for** a period of time. However, these teachings are insufficient to teach or suggest determining a menu item to which the selection marker should be moved **in accordance with the number of cycles.**

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As Hashimoto fails to teach or suggest all of the claim elements, Applicants respectfully submit that claim 1 is not anticipated by the teachings of Hashimoto.

Claims 2-12 recite performing various functions in accordance with, or based on, the number of cycles of sampling." The Examiner relies on the teachings of Hashimoto to support his rejection of these claims. However, as noted above with regard to claim 1, Hashimoto does not teach performing a function **in accordance with, or based on, the number of cycles of sampling**. The supplemental reference Gillick, fails to cure the deficiencies of the teachings of Hashimoto. As such, Applicants respectfully submit that claims 2-12 are patentable over the art as cited by the Examiner. It is respectfully requested that the outstanding rejection be withdrawn.

Conclusion

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.
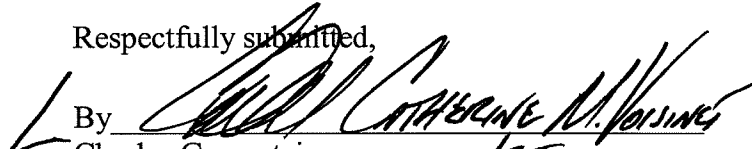
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: November 13, 2008   Respectfully submitted,

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